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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2077 OF 2006
IN
INCOME TAX APPEAL (LOD) NO.923 OF 2006

The Commissioner of Income Tax ..Appellant.

V/s.

Shri Abraham Koshy ..Respondent.

Mr.R.Ashokan for appellant.

Mr.K.P.Anilkumar for respondent.

CORAM : F.I.REBELLO AND
J.P.DEVADHAR, JJ.

DATED : 16TH OCTOBER, 2007.

P.C. :-

There is a delay of 385 days in preferring the appeal. Mr.A.M.Inamdar filed an affidavit in support. The I.T.A.T. order was received on 7/1/2005. The file was sent to the Ministry of Law on 4/4/2005. The Ministry of Law sent back the file after drafting the appeal memo on 11/7/2005. The stamp papers were applied for on 12/7/2005 and received on 2/12/2005. Thereafter, appeal memo was sent for redrafting on 13/1/2006. The appeal was filed on 26/5/2006.

2. Once the appeal was drafted we find absolutely no reason for the delay between 13/1/2006 to 26/5/2006. Considering the same, in our opinion, the cause shown would not amount to sufficient cause. Hence Motion is dismissed.

(J.P.DEVADHAR, J.) **(F.I.REBELL0, J.)**